

1 [Repealing local assault weapons prohibition.]

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3 **Ordinance repealing Article 35A of the City and County of San Francisco Police Code,**
4 **relating to the possession, sale, or transfer of assault weapons, in light of subsequent**
5 **legislation by the State of California to regulate the possession, sale, transfer,**
6 **manufacture, importation, distribution, and transportation of assault weapons.**

7 Note: Additions are *single-underline italics Times New Roman*;
8 deletions are *strikethrough italics Times New Roman*.
9 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

10 Be it ordained by the People of the City and County of San Francisco:

11 Section 1. The Board of Supervisors hereby finds:

12 (1) As of May 1989, no laws of the State of California specifically regulated the
13 possession, sale, or transfer of firearms known as assault weapons.

14 (2) In order to regulate the possession, sale, and transfer of assault weapons within the
15 City and County of San Francisco, the Board of Supervisors, in May 1989, adopted Ordinance
16 170-89, which added Article 35A, Sections 3500A.1 through 3500A.7, inclusive, to the San
17 Francisco Police Code. In Section 3500A.1 of the San Francisco Police Code, the Board
18 found that “[e]xisting state statutory provisions do not specifically restrict the sale and
19 possession of semiautomatic assault firearms.”

20 (3) After the Board of Supervisors adopted Ordinance 170-89, the State of California
21 adopted the Roberti-Roos Assault Weapons Control Act of 1989 (the “Assault Weapons
22 Control Act”), codified at Sections 12275 through 12290, inclusive, of the California Penal
23 Code. The Assault Weapons Control Act regulates the possession, sale, transfer,
24 manufacture, distribution, transportation, and importation of assault weapons throughout the
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1 State of California. In 2000, the California Supreme Court upheld the constitutionality of the
2 Assault Weapons Control Act in *Kasler v. Lockyer* (2000) 23 Cal.4th 472.

3 (4) The Board of Supervisors reaffirms its finding that the proliferation and uncontrolled
4 use of assault weapons pose a serious threat to the health, safety, welfare and security of the
5 residents of the City and County of San Francisco. In light of the State of California's adoption
6 of the Assault Weapons Control Act, however, the Board of Supervisors hereby finds that
7 Article 35A of the San Francisco Police Code is no longer necessary, and should be repealed.

8 Section 2. San Francisco Police Code Article 35A, Sections 3500A.1 through 3500A.7,
9 inclusive, is hereby repealed as follows:

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APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
WAYNE SNODGRASS
Deputy City Attorney